IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 17896 of 2007(E)

PETITIONER:

DEYANANDAN K.K., AGED 44,
S/O. KUNJAPPAN, JUNIOR SUPERINTENDENT,
DISTRICT KHADI AND VILLAGE INDUSTRIES BOARD,
KOTTAYAM.

BY ADV. SRI.C.A.MAJEED,
SRI.SHAJAHAN P.M.

RESPONDENTS:
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1. **KERALA KHADI AND VILLAGE INDUSTRIES BOARD, THIRUVANANTHAPURAM, REPRESENTED BY IT'S SECRETARY.**

2. **CONVENER, (SECRETARY), STAFF SELECTION COMMITTEE OF KERALA KHADI AND VILLAGE INDUSTRIES BOARD, THIRUVANANTHAPURAM.**

BY ADV. SRI. K.P. HARISH, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. BALAKRISHNAN NAIR, J.

W.P.(C) No.17896 of 2007(E)

Dated this the 12th June, 2007.

JUDGMENT

The petitioner is a Junior Superintendent working under the first respondent. While in service, he acquired B.A. Degree in 1990, and LL.B. Degree in 2001. Now, there is a vacancy in the post of Law Officer, which is item No.5 in Ext.P2 special rules. The qualifications and method of appointment to the said post are the following:

Method of Recruitment	***Qualifications***
(a) Appointment by selection among Board's Staff.	Degree in law from a recognised University. Experience: A minimum service of 8 years under the Board. Note: A person who is appointed to the post will work at least 5 years for further promotion/appointment by transfer.
(b) In the absence of (a) direct recruitment by the Kerala Public Service Commission.	Degree in law from a recognized,University. Experience: A minimum of 5 years of Bar service.

2. The petitioner, along with others, applied for the post, when notification was issued for the selection from among the persons qualified and working under the Board. But, his application was rejected and Ext.P4 communication was issued on the ground that the petitioner got his Degree in Law only in May 2001 and he did not possess the required experience of eight years as on 20th May, 2007, the last date for receipt of the applications. In support of the above stand, reliance was placed on Clause 9(ab) of the Kerala Khadi and Village Industries (Classification and Conditions of Recruitment of Staff) Regulations, 2006, which reads as follows:

> "9. Qualification.--(a) xxx xxx
>
> xxx xxx xxx
>
> (ab) Where the Regulations for a post in any service prescribe qualification of experience, it shall, unless otherwise specified, be one gained by persons on temporary or regular appointment, in capacities other than paid or unpaid apprentices, trainees, and casual labourers in Central or State Government Service or in Public Sector Undertaking or Registered Private Sector

Undertaking, after acquiring the basic qualification prescribed for the posts:"

This writ petition is filed challenging Ext.P4. According to the petitioner, the insistence for experience after the acquisition of qualification is unjustified. He has got 22 years of service under the Board. Further, there is no department under the Board, where experience, that may be necessary for a Law Officer, could be acquired. So,, he prays to quash Ext.P4.

3. Heard the learned standing counsel for the respondents.

4. Going by clause 9(ab) of the Kerala Khadi and Village Industries (Classification and Conditions of Recruitment of Staff) Regulations, quoted above, I feel that the stand taken by the respondents is a reasonable view. Going by the method of appointment, any employee under the Board can apply. Therefore, it is only appropriate that the experience prescribed for the post is one acquired after the candidate obtains LL.B. Degree. If the appointment is by promotion, a different construction may be permissible. In this case, it is in the form of direct recruitment, from the employees of the

first respondent. So, the view taken by the Board, regarding experience, is certainly a plausible view, with which this Court cannot interfere under Article 226 of the Constitution of India.

This writ petition, therefore fails, and is dismissed.

K. BALAKRISHNAN NAIR,
JUDGE.

vav.